

**BOARD OF ADJUSTMENT MINUTES**  
**November 11, 2020**

PRESENT: Alan Kaltenberg, Craig Robson, Pat Beghin, Ralph Hemling

STAFF: Lauren Ramirez – Office Administrator, Kurt Calkins – Director of Planning & Zoning, Kenneth Thiele – Senior Zoning Specialist

**1:45 PM**

1. Alan Kaltenberg calls the meeting to order
2. Certification of Open Meeting Law
3. A roll call was taken and a quorum was declared present
4. View Site(s)
5. Recess

**3:00 PM**

6. Alan Kaltenberg reconvened the meeting at 3:00
7. Confirmation of Certification of Open Meeting Law

Pat Beghin reads in the Public Hearing Notice.

8. Approval of Agenda

**Motion by Ralph Hemling to approve Agenda of November 11, 2020 Board of Adjustment Regular Meeting & Public Hearing.**

**Seconded by Craig Robson.**

**Motion carried unanimously.**

9. Minutes

**Motion by Craig Robson to approve Minutes of October 14, 2020 Board of Adjustment Regular Meeting & Public Hearing.**

**Seconded by Ralph Hemling.**

**Motion carried unanimously.**

10. Public Hearing

**Item I Variance Consideration – Front & Side Yard Setbacks; Petitioners: Mark W Krueger & Janine A Krueger – Town of Lodi**

Kenneth Thiele reviews Staff Report. He explains the subject property's current lot coverage with specifics to each structure and their location on the property. He then reviews the variance request, along with the background, and analysis on their property. He reviews the legal standards for variances in terms of necessary hardship, unique property limitations, and protection of the public interest.

He states that the town has recommended approval of this request; however, Planning & Zoning staff does not recommend approval, due to no unnecessary hardship, as this is a self-created hardship, and there's no unique property limitation as there is 33,085 sq. ft. of buildable area.

Alan Kaltenberg asks if anyone from the Krueger family is present.

Attorney Elizabeth Stephens, Axley Law Firm, is present and sworn in.  
2E Mifflin Street  
Madison, WI

Mark Krueger is present and sworn in.  
W11411 High Point Road  
Lodi, WI

Janine Krueger is present and sworn in.  
W11411 High Point Road  
Lodi, WI

Alexandra Krueger is present and sworn in.  
N26W27409 Ash Street  
Pewaukee, WI

Mark Krueger explained why he is located in Lodi and gives a background on the home. He explains that the builder did not calculate the setback correctly, until he applied for a new permit. He reviews the plan issues and support from the surrounding community.

Janine Krueger reviews her history with this home to her family.

Alexandra Krueger adds her support of her family and the history and importance of building this home.

Attorney Elizabeth Stephens reviews the unreasonable hardship and goes over alternatives to variance and how each one would pose a different burden such as not being able to get homeowners insurance, compromising structural integrity, settling pattern issues, the house then being placed on an old gas line, the steep grade in the back, impervious surfaces, etc. She states every alternative is not feasible, and the environmental impact that it would have on the property is something that courts have looked at in similar cases, when deciding. She also states that they do have the certificate of occupancy.

Pat Beghin states that if it is approved, we would need to make sure this is built to guidelines given. He adds that he does not believe this hardship is completely self-created, and this was an error on the contractor.

Mark Krueger states his builder is here, and they would be make sure this is done correctly.

Ted Hill is present and sworn in.  
N2288 Trails End  
Lodi, WI

Ted Hill states he is the builder and has done a few houses in Columbia County. He assures this would be done correctly, and a survey would be completed.

Al Kaltenberg asks if there are any other questions.

Al Kaltenberg asks if anyone is in favor of the petition.

A letter of from neighbor Jon Plumer is read in favor of the petition.

A letter from neighbors Michelle Ladwig, Edward Ladwig, Joel Crane, Katie Crane, Brandon Ballweg, & Stephanie Ballweg in favor of the petition.

Al Kaltenberg asks if anyone is against the petition. (no comments)

Al Kaltenberg asks if there is anyone else wishing to speak.

Al Kaltenberg closes the public hearing and opens discussion and deliberation for the board of adjustment members.

Ralph Hemling states that this is an unfortunate situation the contractor put them in.

Craig Robson states he is disappointed the certificate of occupancy was granted by the Town, and he is shocked that it was. He states he believes this shouldn't have happened and agreed it put them in an awful position.

**Motion by Pat Beghin to approve variance for  
"Front & Side Yard Setbacks" as presented, including the findings of fact,  
conclusions, decisions and conditions of the Staff Report.**

**Seconded by Ralph Hemling.**

**Motion carried, not unanimously.**

**Pat Beghin – Yes, Craig Robson – Yes, Al Kaltenberg – No, Ralph Hemling –  
Yes.**

#### 11. Adjourn Meeting

**Motion by Pat Beghin to adjourn meeting.**

**Seconded by Al Kaltenberg.**

**Motion carried unanimously.**

Meeting adjourned at 3:57 PM.

Respectfully submitted,



Patrick Beghin  
Board of Adjustment



Recording Secretary  
Lauren Ramirez, Office Administrator

cc: Board of Adjustment Members  
County Clerk  
Vern Gove, County Board Chair